

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CIVIL NO. 3:08cv00150
)	Judge Wiseman
\$25,000.00 United States Currency,)	
)	
Defendant.)	

DEFAULT JUDGMENT AND FINAL ORDER OF FORFEITURE

Plaintiff, United States of America, pursuant to Rule 55(b)(1) of the Federal Rules of Civil Procedure, has moved for a Default Judgment and Final Order of Forfeiture forfeiting the defendant property to the United States of America.

On February 13, 2008, the United States of America filed a Verified Complaint for Forfeiture seeking forfeiture of the above-captioned defendant property, alleging that the defendant property constitutes moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished in exchange for a controlled substance or listed chemical in violation of 21 U.S.C. § 841, and/or proceeds traceable to such an exchange, and/or moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of 21 U.S.C. § 841(a)(1), i.e., to knowingly or intentionally manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, a controlled substance; and/or that the defendant property constitutes money involved in a transaction and/or an attempted transaction in violation of 18 U.S.C. §§ 1956 or 1957, or property traceable to such

property and is, therefore forfeitable to the United States pursuant to 21 U.S.C. § 881 and 18 U.S.C. § 981. (D.E. 1).

Pursuant to a Warrant and Summons for Arrest of Articles *In Rem* issued by the Clerk of this Court on March 27, 2008 (D.E. 4), the United States Marshal for the Middle District of Tennessee seized defendant property on April 15, 2008 (D.E. 5).

On April 15, 2008, Ernestus Runako Drake, was served, via certified mail, return receipt, with a copy of the Verified Complaint *In Rem* and Notice of Judicial Forfeiture Proceedings. On April 15, 2008, a copy fo the Verified Complaint *In Rem* and Notice of Judicial Forfeiture Proceedings was also served upon Robert Thomas Vaughn as counsel for Ernestus Runako Drake.

Pursuant to the Notice of Judicial Forfeiture Proceedings, all persons claiming an interest in defendant property were required to file their verified claims with the Clerk of this Court within thirty-five (35) days from service of the Verified Complaint *In Rem*, and Notice of Judicial Forfeiture.

Public notice to all persons of said forfeiture action was advertised in *The City Paper* on April 18, 2008, April 25, 2008 and May 2, 2008 (D.E. 6).

Pursuant to said notice, all persons claiming an interest in defendant property were required to file their verified claims with the Clerk of this Court within thirty (30) days from the last date of publication of the Notice.

Pursuant to the Federal Rules of Civil Procedure, Supplemental Rule G(4)(a)(iii)(B), public notice to all persons of said forfeiture action was also advertised on-line at

“www.forfeiture.gov,” the official internet government forfeiture site, for 30 consecutive days beginning on April 16, 2008 and ending on May 16, 2008. (D.E. 7).

More than thirty days have passed since the final publication of the notice, and no person or entity has filed a verified claim or otherwise made an appearance in this action.

No person or entity has filed a Verified Claim within the time permitted by Title 18, United States Code, Section 983(a)(4)(A), and Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure.

The Clerk of this Court has entered a default as to all persons and entities claiming an interest in defendant property, pursuant to Rule 55(a) Federal Rules of Civil Procedure. (D.E. 9)

The United States has now moved for entry of a Default Judgment and this Court is of the opinion that the Motion of the United States for Default Judgment should be granted and Default Judgment be entered as to all persons or entities who may claim to have an interest in the defendant property. Further, the Court finds that the Verified Complaint for Forfeiture establishes probable cause to believe that the defendant property constitutes moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished in exchange for a controlled substance or listed chemical in violation of 21 U.S.C. § 841, and/or proceeds traceable to such an exchange, and/or moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of 21 U.S.C. § 841(a)(1), i.e., to knowingly or intentionally manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, a controlled substance; and/or that the defendant property constitutes money involved in a transaction and/or an attempted transaction in violation of 18 U.S.C. §§ 1956 or

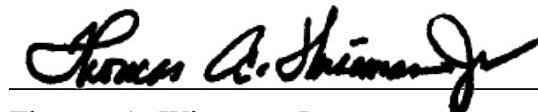
1957, or property traceable to such property and is, therefore forfeitable to the United States pursuant to 21 U.S.C. § 881 and 18 U.S.C. § 981, and, therefore, a Final Order of Forfeiture should be entered.

The Motion of the United States for Default Judgment and Final Order of Forfeiture is hereby GRANTED. Therefore, it is hereby

ORDERED, ADJUDGED AND DECREED that:

1. A Judgment by Default is hereby entered as to Ernestus Runako Drake and all persons or entities with respect to any interest they may have in the defendant property.
2. The defendant property more particularly described as \$25,000.00 United States Currency, is hereby forfeited to the United States of America, and all right, title and interest in and to said property is hereby vested in the United States of America, pursuant to 21 U.S.C. § 881 and 18 U.S.C. § 981.
3. The United States Marshals Service, as custodian of said forfeited property, shall dispose of the same according to law.
4. The Clerk of this Court shall provide the United States Attorney's Office and the United States Marshals Service with a certified copy of this order.

Dated on this, the 26th day of September, 2008.



Thomas A. Wiseman, Jr.
UNITED STATES DISTRICT JUDGE